

Senator wishing to be recognized, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Chair thanks the senior Senator from Kentucky, the longest serving Senator from the great State of Kentucky, and joins in the admiration of those who spoke of him.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, today marks another milestone in the extraordinarily successful tenure of my friend and colleague from Kentucky, WENDELL FORD. He becomes the longest serving Senator in Kentucky history. I remember well when Senator FORD got his start; I was in law school at the University of Kentucky. I remember reading a story about a State Senate primary in Owensboro, KY, in which the Senate majority leader of the Kentucky State Senate was upset in the primary by an impressive young man named WENDELL FORD, who had been involved in politics some time and had been in fact national president of the Jaycees.

Then in my senior year in law school, I remember this young State senator, who obviously didn't want to stay in the State senate too long, running for Lieutenant Governor and defeating the attorney general of Kentucky in that primary.

Then that November, an unusual thing happened in Kentucky—they elected a Republican Governor. It has not happened since. It is a fairly rare occurrence in our State. But State Senator Wendell Ford was elected Lieutenant Governor, so he beat one of those rare Republican tides in our State.

Then, as if that were not enough, 4 years later everybody in Kentucky thought that former Gov. Bert Combs, who subsequently had a distinguished career as a U.S. court of appeals judge, was a lead pipe cinch to be the next Governor of Kentucky and at the very least to win the Democratic primary. But Lt. Gov. Wendell Ford defeated, against everybody's expectations, former Governor Combs in the primary, and the rest is, as they say, history.

He came to the Senate, beating a Republican incumbent in 1974, and is into the final days of his fourth term. He has served Kentucky long and well, having had an extraordinarily successful public career. I join with all of my colleagues in congratulating him for his not only lengthy service but his excellent service on behalf of the Commonwealth of Kentucky and the people of the United States.

Mr. President, I suggest the absence of a quorum.

Mr. FORD. Will the Senator withhold?

Mr. McCONNELL. I withhold.

Mr. FORD. Mr. President, it is hard to take all these kind words that are being said about me, and I think I will notify my grandchildren to listen in. But I do thank my colleague for a bit of history as it relates to my political career. His is somewhat akin to mine. When he ran for office, he was not expected to win, and he did. So I think we can relate to those periods in our lives and our political tenure. I do thank him for his kind words today, and I look forward to working with him to accomplish things for our Commonwealth and this country in the next few months we will serve together. I am grateful to him.

I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF JEREMY D. FOGEL

Mr. McCONNELL. Mr. President, on behalf of the Republican leader, as in executive session, I ask unanimous consent that at 5:20 today the Senate proceed to executive session and there be 10 minutes of debate in the usual form on Executive Calendar No. 505, the nomination of Jeremy D. Fogel, of California, to be U.S. district judge.

I further ask unanimous consent that immediately following the debate, the Senate proceed to a vote on the confirmation of the nomination, and following the vote, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. I now ask unanimous consent that it be in order at this time to ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. I therefore ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. McCONNELL. All Senators should now be aware that at 5:30 today there will be a rollcall vote on Jeremy Fogel to be U.S. district judge.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

NOMINATION OF JUDGE MASSIAH-JACKSON

Mr. HATCH. Madam President, Judge Massiah-Jackson has made the right decision in withdrawing her nomination to the Federal bench, given the strong bipartisan opposition from law enforcement groups, her demonstrated leniency in sentencing convicted criminals, and the Judiciary Committee's concerns about her lack of candor throughout the nomination process. I believe withdrawing the nomination was the right thing for her to do. Despite the fact that the committee afforded two hearings for this nominee, and gave her ample opportunity to answer criticisms of her record, her responses were found to be unconvincing. After having heard the nominee's testimony and having considered the information provided to the committee by law enforcement officials about her treatment of police officers in court and her flawed judicial rulings, I would not have voted to confirm this nominee to a lifetime appointment to the Federal bench.

The events surrounding Judge Massiah-Jackson's nomination demonstrate the need for the Senate to scrutinize the President's nominees carefully. That is what we have been doing. This is not a numbers game. We have to look at these people very carefully. They are nominated and, if confirmed, are confirmed for lifetime positions. Some people say the closest thing to God put in this life is being put on the Federal bench, because nobody can criticize you under those circumstances once you make it there. So this particular nomination does demonstrate the need for scrutiny of any President's nominees.

Unfortunately, I think many in the legal community do not understand the Senate's role in the confirmation process. The Constitution obligates the Senate to advise the President with respect to his choice in nominees and ultimately consent to their appointment. No one has the right to a Senate confirmation anymore than he or she has the right to be nominated by the President. Federal judges serve for what amounts to life terms. They wield enormous power in our society, power that must be exercised fairly and impartially. When the President sends us nominees who lack the necessary qualifications to be elevated to the Federal bench, the Senate's duty is to bring these deficiencies to light.

In this case, given the bipartisan opposition of law enforcement and the nominee's problematic record, I believe withdrawal of the nominee was appropriate. But let me add, had this nominee come to a vote today, she would have been overwhelmingly defeated by both sides of the aisle. There were many Democrats who were going to vote against Massiah-Jackson, and I think most all Republicans were going to vote against her as well. And there were reasons to do so with regard to this nomination.

Having said that, let me just say that I was impressed with Massiah-Jackson's family. It is clear that she is a nice woman. It is clear that her husband is a very nice man. Her two children whom she introduced to the committee looked as though they were just outstanding in every way. So I commend her for that, and I hope she has learned from this process that people in Philadelphia expect her to be tough on crime, to be tough on criminals, and to support the law enforcement people when they are right. When they are wrong, she should correct them and she should do so vociferously.

But some of the things that were done really cast such a cloud over this nomination that we just could not vote for her in the end, so I was pleased that she did the right thing by withdrawing her nomination. I feel badly about it, because I believe her to be a nice person. I believe that she intends to be a very fine judge, and I commend her to work very hard to be that. Being a tough trial judge in Pennsylvania is a very great honor. The fact that she has not received consent to this nomination and this opportunity should not deter her from proving that she could be one of the best trial judges in the State of Pennsylvania if she wants to be. I certainly believe she is intelligent enough to be. My own personal belief is that she is good enough to be. But because of these problems in the past, she is going to have to redeem herself in the eyes of the law enforcement community.

If Judge Massiah-Jackson takes out vengeance against the law enforcement community and those who have raised these issues, then she will have proven us even more right and she will have proven that the action of withdrawal here today was even more right than I believed it to have been. I hope she will treat all law enforcement officials with the respect that they are due when they appear before her court. I practiced law in Pennsylvania for a number of years and I tried a number of cases in front of the Common Pleas bench in Pittsburgh, and I have to say these are very important judgeships. She still has that judgeship. I wish her the best. I am counting on her doing the very best she can from here on in, and I have counted on her proving that those who have criticized her, though perhaps just at this time, it appears, can have faith in the future because of what she has tried to do.

FAIRNESS TO THE NOMINEE

Madam President, it has been claimed that the process by which the Judiciary Committee has considered this nomination has been in some way unfair. I think that assertion is incorrect. In fact, the Committee has bent over backwards to ensure that this nominee has been treated appropriately.

The Committee received this nomination on July 31st of last year. Senator SPECTER encouraged the Committee to hold a hearing on the nominee

even before her paperwork or the background checks were completed. That background work was not finished until September 25. Shortly thereafter, at Senator SPECTER's request, a hearing on the nominee was scheduled for October 29th. Moreover, I did not object, nor did I attempt to intervene, in Senator SPECTER's decision to hold a field hearing in Philadelphia.

In any event, the Committee held a hearing on the nominee on October 29th. Although some on the Committee wanted to delay taking action on this nomination, at Senator SPECTER's insistence, we forged ahead. As a consequence, the nominee was reported out of Committee on November 6th of last year.

Then, in a rather extraordinary turn of events, a bipartisan coalition of law enforcement groups organized to oppose this nominee. The Pennsylvania District Attorneys' Association, the Commonwealth Attorney General, the Fraternal Order of Police, the National Association of Police Officers and the Law Enforcement Alliance of America all mobilized to defeat this nominee. Through their efforts, the Committee became aware of a number of instances in which the nominee demonstrated hostility towards police officers and prosecutors. Indeed, the Committee came further to learn that the nominee had not been entirely forthcoming with the Committee. The number, and nature, of these allegations made it impossible for the Committee to turn a blind eye towards them.

In an effort to be fair, however, the Committee took the unusual step of affording Judge Massiah-Jackson the opportunity to respond to these charges in a second hearing. Unfortunately, the nominee's testimony in that hearing was not particularly compelling—in fact was otherwise.

Some have complained that this latest hearing was tilted against the nominee because she was asked about so-called new cases that she had been informed of only the night before.

While I can understand those concerns, I would note that each of the cases reviewed were actually Judge Massiah-Jackson's. Indeed, many of the cases that were discussed should have been provided to the Committee by Judge Massiah-Jackson herself. Thus, I hardly think it fair to say that the Judiciary Committee was somehow disingenuous in asking the nominee about her own cases.

In addition, claims have been made that the manner in which the Committee has received critical documents has worked to the nominee's disadvantage. While it is true that we have received documents in a hodge-podge manner, efforts have been made to ensure that the nominee was advised of cases that would be addressed. Moreover, I would again like to emphasize, that these are the nominee's cases.

I would add that the Committee learned that Senator SPECTER was also conducting his own investigation into

the nominee's record. According to the Philadelphia District Attorney's Association, Senator SPECTER, as is his right, requested numerous transcripts from their office. In an effort to keep the record straight and to provide all members access to the information, the Committee sent a bipartisan letter, signed by myself and Senator LEAHY, to Senators SPECTER and SANTORUM requesting that they provide the Committee copies of all material relevant to Judge Massiah-Jackson's nomination.

I think it is safe to say the new information that the Committee has received this past month has been troubling because of the concerns it raised about the nominee, but I think it is also fair to say that the documents have come to the Committee from a variety of sources, and in a confused manner. This allegedly new material includes not only follow up information requested by the Committee in order to fulfill its ongoing duty to the Senate to evaluate the nominee, but also unsolicited material such as trial transcripts, statistical information from various entities including the Department of Justice, the Pennsylvania District Attorneys' Association, the Philadelphia Bar Association, the Philadelphia Bar Association Special Review Committee, and other individuals.

The Committee has had no control over the timing, or the manner in which it received these documents. I would just like to outline the process by which many of the more significant documents were received:

The January 30, 1998, Report from the Pennsylvania District Attorney's Association, with attached statistical and case analysis, which the Committee received the week of February 2, 1998. This was the first formal submission from District Attorney's Office concerning this nominee. It was promptly distributed to all Committee members.

A February 12, 1998, Report from the Special Review Committee of the Philadelphia Bar Association submission of in response to the District Attorney's document, which was received by the Committee February 13, 1998, was copied and distributed that same day.

The week of March 2, 1998, the Committee received word from Senator SPECTER's office that it had received material from Philadelphia District Attorney's Office. The Committee was unable to have immediate access to the materials because it was told that the materials were being analyzed by Senator SPECTER's staff. Only after the Committee insisted that it must have access to the material, and distribute it to the other members, including the Minority, did the Senator's staff provide access to a portion of the material. The Committee then had the portion—approximately $\frac{2}{3}$ of the material—copied. Because the Committee was unable to have access to the remainder of the material immediately,

it was forced to wait until several days, and only then was it able to have the rest of the material copied and distributed to the rest of the members of the committee.

The March 6, 1998, Pennsylvania District Attorney's Association submission in response to the Philadelphia Bar Assoc., was received by senior Committee staff on Monday March 9, 1998, and distributed to members on Tuesday, March 10, 1998.

On March 9, 1998, Committee received notice from Senator SPECTER's office that it had received more case material from Philadelphia District Attorney's Office. The Committee obtained copies of that material from Senator SPECTER's office, made copies and distributed it to the members. The Committee was later informed that this material was actually sent to Senator SPECTER's staff on Friday, March 6. The Committee as a whole received it some three days later.

A March 10, 1998, Report from Philadelphia Bar Association with attachments was received on March 10, 1998, and was immediately distributed to members.

On March 10, 1998, the Committee received a report from Department of Justice, which was immediately distributed to members.

A Report dated March 11, 1998, from the Pennsylvania District Attorney's Association was submitted in response to a Philadelphia Bar Association submission. The material was submitted to senior staff on March 11, 1998, and distributed to the Committee on March 12, 1998.

On March 12, 1998, copies of twenty new cases submitted by Philadelphia District Attorney's Office were received by the Committee. The Committee made arrangements to copy that material the same day, for distribution early the following day.

In short, the collection of relevant information concerning this nomination has been trying and ad-hoc. We all share the frustration of having information presented to us at the last minute. Whether the information is exculpatory or further damaging, Senators have a right to be upset. However, it must be emphasized that, at least with respect to the cases, it is material within the nominee's control. After all, they are her cases we are discussing—many of which should have been provided to the Committee by the nominee herself. Indeed, concerned that Judge Massiah-Jackson had not been given the opportunity to review adequately those cases presented during the second hearing, the final vote on the nomination was moved from last Thursday to this Tuesday, and the nominee was afforded the chance to respond, in writing, to any concerns expressed at the hearing. She availed herself of that opportunity, and provided the Committee with a written response to some of the allegations raised at the

hearing. I find her responses wanting. In any event, while the process of receiving and distributing documents has certainly been aggravating at times, I do not think it has been particularly unfair to this nominee.

I ask unanimous consent to have printed in the RECORD the letter from Judge Frederica Massiah-Jackson, dated March 16, 1998, wherein she has withdrawn her nomination.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA, COURT OF COMMON PLEAS, JUDICIAL CHAMBERS,
Philadelphia, PA, March 16, 1998.

Hon. WILLIAM J. CLINTON,
President of the United States, Pennsylvania Avenue, Washington, DC.

DEAR MR. PRESIDENT. It is with great regret—and personal sadness—that I write to you today to ask that you withdraw my nomination as a judge to the U.S. District Court for the Eastern District of Pennsylvania.

You honored me and my family greatly by selecting me to be the first African American woman to sit on that court. I had looked forward to my service there as the next step of my public service to the city and citizens of Philadelphia, whom I care about so deeply.

After being found qualified to serve by the Specter-Santorum Judicial Selection Commission, the Department of Justice, the FBI, the American Bar Association and the Senate Judiciary Committee, I have recently been subject to an unrelenting campaign of vilification and distortion as I waited for a vote on my nomination by the full Senate.

All of these mischaracterizations occurred when I lacked a forum or platform from which to respond. Having finally been accorded a hearing to respond to these charges last week, I attempted to do so only to have hurled at me additional "new" charges. I have now responded to these new charges and believe the record has been set straight once again—at least the record to which I have been given full opportunity to respond.

Today, however, the Senate is set to debate my nomination for an unprecedented six hours—a process which will not accord me any role or opportunity to set the record straight yet one more time. I have been a fighter in what I believe all my life, but allowing still more and more selective, one-sided and unsubstantiated charges to go unanswered in this politicized environment is not acceptable to me after my long journey.

That journey has only reaffirmed for me the central belief that our system of justice and the independence of this third branch of government may be the most precious treasure bequeathed to us by the Founding Fathers. I hold it dear and will always try to do my part to ensure that the system works for all coming before the bar of justice.

Thank you again for standing by me and honoring me with your nomination, with your trust and with your confidence.

With sincere best wishes,

Very truly yours,

FREDERICA A. MASSIAH-JACKSON.

Mr. HATCH. Madam President, this is a letter written to the Honorable William J. Clinton. I am glad to have that in the RECORD.

Again, I express my sorrow that it had to end this way, and I wish the

very best to Judge Frederica Massiah-Jackson. I hope she will take this in a way that will be instructive, informative and, hopefully, helpful to her if she continues to serve on the highest trial court in the State of Pennsylvania, the Court of Common Pleas. I hope she will benefit from this experience instead of it being a detriment to her. If she will treat law enforcement officials fairly, if she will be tough on crime when it is clearly shown, and if she will be totally honest in her dealings on that bench, I have great belief that she will yet serve in many, many good ways the people of Pennsylvania.

I wish her the best. I wish her family the best. And I, again, am sorry this has turned out this way, but I think it is the way it had to turn out under the circumstances.

Madam President, I ask unanimous consent to have printed in the RECORD the speech that I would have made had this nomination come to the floor and not been withdrawn. I feel it is incumbent upon me to do so because of Ms. Jackson's letter.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF ORRIN G. HATCH IN THE UNITED STATES SENATE ON THE NOMINATION OF JUDGE FREDERICA MASSIAH-JACKSON, FEBRUARY 10, 1998

Mr. President, I rise today to discuss the record of Judge Fredrica Massiah-Jackson, President Clinton's nominee to be a United States District Court Judge for the Eastern District of Pennsylvania.

Judge Massiah-Jackson, who currently serves as a Philadelphia Court of Common Pleas judge, was nominated by President Clinton on July 31, 1997. The Judiciary Committee initially held a hearing on Judge Massiah-Jackson's nomination on October 29th of last year. She was reported favorably out of the Committee on November 6th. I was one of those voting to report her favorably to the floor. Since the nominee was reported out of the Judiciary Committee, however, certain allegations have been made regarding her fitness to serve as a district court judge. In particular, questions have arisen regarding the nominee's ability to weigh cases impartially and to treat police officers and prosecutors fairly.

Before I turn to those criticisms, however, I would like to state that I understand the difficulty of Judge Massiah-Jackson's situation and appreciate her willingness to have appeared before the Judiciary Committee not just once, but twice.

I would further add that I am impressed with Judge Massiah-Jackson's numerous accomplishments. She appears to have a lovely family and has plainly demonstrated a commitment to the legal profession. For those accomplishments, I commend her. Her family should be proud of her.

Nevertheless, it is important to remember that fitness for the federal bench is measured not solely by one's hard work, or even by her facility with the law. After all, federal judges are nominated by the President and confirmed by the Senate for what amounts to life terms. They wield enormous power in our society, power that must

be exercised fairly and impartially. The judicial role demands that a judge be willing to uphold the Constitution and abide by the rule of law. When an individual dons the judicial robes and ascends the dais to assume her seat on a federal court, she takes an oath to be impartial and to treat all individuals—regardless of social status—fairly.

As a consequence, no one has a right to Senate confirmation any more than she has the right to be nominated by the President. An important part of the Senate's responsibility is to advise the President with respect to his choice in nominees and ultimately to consent to their appointment. This is a function I take seriously. In fact, I believe that every member of this body takes his vote to confirm federal judges seriously. And it is with this measure of seriousness and deliberation that I approach the vote to confirm Judge Massiah-Jackson.

With that, I would like to address what I believe to be the three issues with which I have significant concerns regarding the nominee's record. First, I will discuss concerns about her candor with the Committee. Second, I will address allegations that she is particularly lenient in sentencing convicted criminals. And finally, I would like to speak to her animus towards prosecutors and police officers.

Candor: First, I would like to explore the nominee's candor before the Committee. During the Judiciary Committee's background investigation of Judge Massiah-Jackson, we called her attention to an article in the Philadelphia Dailey News. In that article, it was reported that the nominee identified two undercover officers in open court and warned the spectators to watch out for them. The article generated considerable interest because the nominee had acquitted a man accused of possessing \$400,000 worth of cocaine because she did not believe the testimony of the police officers. It was the second time Judge Massiah-Jackson had acquitted alleged drug dealers apprehended by the same officers.

In the earlier case, the undercover officers had testified that they found two bundles of heroin on a table next to the defendant. Judge Massiah-Jackson not only disbelieved the testifying officer's statement, but she went one step further. As the officers were leaving the courtroom, it was reported that the judge told the assembled spectators to "take a good look at these guys [the undercover officers] and be careful out there." [Philadelphia Dailey News (May 21, 1988)].

Committee staff asked the nominee whether the circumstances described in that article were true. The nominee told staff that she simply did not recall the incident. Thereafter, she was faxed a copy of the article and asked to provide the Committee with a letter commenting on the article's allegations. Although the Committee received the nominee's letter, she utterly failed to address the incident with the undercover police officers. At that time, at least, she did not repeat her claim that she could not recall the incident. Instead, she avoided discussing the incident altogether.

At the nominee's initial confirmation hearing, she was again directly questioned

about this incident. Instead of answering the question directly, she indicated merely that she respected the role of law enforcement officers. She neither claimed that she could not recall the incident, nor, as she did most recently, state that she was actually admonishing school children in the audience to be respectful of police officers.

Shortly after the hearing, the Committee again gave the nominee the opportunity to respond to the allegations made in the news article. In response to a written question, the nominee changed her earlier claim that she could not recall the incident. Instead, the nominee categorically denied ever having warned spectators to beware of the undercover officers. She stated—in writing—that:

"I have read the 1988 article and it is inaccurate. I would not and did not make any such statement to the spectators. I have great respect for law enforcement officers who have very difficult jobs and work in dangerous situations." [Follow-up questions p. 17].

Now, given the fact that the undercover officers had not previously come forward, I was unwilling to credit an uncorroborated newspaper story over the nominee's direct testimony. I did not believe it fair to derail a nomination on the basis of a single, uncorroborated newspaper account.

Following her initial hearing, however, the undercover officers discussed in the article came forward and provided written statements to the Committee refuting her representations and corroborating the newspaper article. Detective Sergeant Daniel Rodriguez, who actually testified before Judge Massiah-Jackson, confirmed that the nominee said to courtroom spectators: "take a good look at these guys, and be careful out there." Rodriguez further explained that "What the judge said jeopardized our ability to make buys. And it put us in physical danger." Detective Terence Jones, who also submitted a statement to the Committee, corroborated Rodriguez's statement.

Judge Massiah-Jackson, in her subsequent hearing, retreated from her earlier denial that the event ever occurred and instead claimed that in "reconstructing the incident," she now believes she was just talking to school children present in the courtroom and that the officers most likely misunderstood her comment. She further argued that she often talked in such a manner to visiting students, hoping that they would respect and acknowledge police officers.

Regardless of whether the officers should have felt concerned about their safety, I am troubled by two things: First, that the nominee denied that the event had ever occurred. If she had not remembered the event, she should have simply said that. I am concerned that, when it appeared to suit her, the nominee denied ever having made such a statement.

Second, I question her most recent assertion that she often lectured school children visiting her court room. In fact, Detective Rodriguez was to have appeared before Judge Massiah-Jackson in a subsequent narcotics case. In that later case, the officer explained to the Assistant District Attorney

that Judge Massiah-Jackson had recently placed him in danger by identifying him before a crowded courtroom. He further noted that she had also identified his partner, who was also in plain clothes and had not testified in the case. The Assistant DA was sufficiently concerned by Judge Massiah-Jackson's behavior that she sought to have the nominee recused. Although the nominee denied the Assistant DA's recusal motion, she admitted, on the record that she does tell criminal defendants to get a good look at undercover police officers. Her exact quote was: "I do say that to certain defendants." [Commonwealth v. Ruiz, p. 4]. In other words, the nominee did not claim then, as she does now, that she routinely talked to school children in this fashion. Rather, she explained on the record that she often told "certain defendants" to watch out for undercover police officers.

The Newspaper article appears consistent with the officers' understanding of the events that transpired in the nominee's courtroom and with the nominee's statement in the record. Indeed, the newspaper reported that the DA's office was so "concerned by some of the decisions made by the judge in drug cases" that it decided to "begin reviewing drug cases that come before Massiah-Jackson and decide, on a case by case basis, whether to ask her to disqualify herself" on the ground of her inability to preside fairly. [Judge Overrules Cops, Clears Suspect, Philadelphia Dailey News (May 21, 1988)]. I thus find the nominee's explanation for her statements wanting. I doubt very much the DA's office was sufficiently concerned to urge the nominee to recuse herself in drug cases if all she was attempting to do was to connect with school children.

Unfortunately, this is not the only incident with which I am convinced that the nominee did not provide the Committee with complete information. As a routine matter, well before a hearing is scheduled, judicial nominees who are presently sitting judges are asked to provide the Committee with a list of all of the cases in which they have been reversed. Judge Massiah-Jackson, in response to that question, provided the Committee with a list of 14 cases in which she had been reversed. None of the cases she identified involved a sentencing issue.

At her hearing, concerned about her alleged leniency in sentencing, Judge Massiah-Jackson was expressly asked whether she had ever been reversed on a sentencing issue. She said no. I took her answer at face value.

After the hearing, the Committee again, in writing, whether there were any other cases in which the nominee had been reversed. In response, the nominee identified an additional reversal which, due to her oversight, she had failed to include in her original submission. Once again, however, the newly discovered reversal did not involve a sentencing issue.

Although the nominee brought no new reversals to the Committee's attention, the Committee was subsequently apprised of at least five additional cases in which the nominee was reversed. Now, it is certainly possible that a nominee could overlook a

case or two. What is troubling to me, however, is that among those additional reversals brought to the Committee's attention were at least two reversals on sentencing issues, one of which, *Commonwealth v. Easterling*, was a reported case. The other, *Commonwealth v. Williams*, presents a particularly troubling picture. There, the defendant, in attempting to take the victim's purse, viciously slashed the victim with a straight razor. He pleaded guilty to robbery and possession of an instrument of a crime. At sentencing, however, the nominee not only miscalculated, to the defendant's favor, the offense gravity score used to determine the sentence, but also refused to apply the deadly weapon enhancement provision of the Sentencing Guidelines. When the prosecutor tried to bring the nominee's error to her attention, she evidently accused him of being "vindictive." On appeal, the Superior Court found that she used the wrong offense gravity score and erred in not applying the deadly weapon enhancement.

Now, I understand that the nominee has presided over a good many trials, perhaps even thousands. But the nominee herself testified that she thought her decisions had been appealed only about 89 times, which is not unusual. The vast majority of the cases that come before a judge sitting on the Court of Common Pleas are not the sort that result in an appeal. Ordinarily, they are cases that result in guilty pleas or settlements. So when we talk about appeals, we are not talking about an overwhelming number of cases.

However, when asked specifically to provide the Committee with each case in which she was reversed, the nominee failed to inform the Committee of at least two sentencing cases—one of which was publicly reported—in which she was reversed for imposing too lenient a sentence. Her failure to report these cases is particularly troubling in light of the fact that she was asked on three separate occasions to report her reversals and, in her testimony before the Committee, specifically denied that she had ever been reversed on a sentencing issue.

Leniency: In addition to these reversals for illegal sentences, I would like to provide you with an example of why I am so concerned about Judge Massiah-Jackson's ability to weigh the facts fairly and her leniency in sentencing. Before I speak to those concerns, however, I would like to say a word about the claim that the nominee is in reality a tough sentencer. I have been quite interested in the statistical data presented in this case by both the Pennsylvania Bar Association and the Pennsylvania District Attorney's Association. Statistical duels must always be carefully scrutinized. Nevertheless, provided they are used correctly, statistics can be very revealing. I've taken a look at the Philadelphia Bar Association's assertion that Judge Massiah-Jackson's conviction rate is actually higher than that of the average Philadelphia Court of Common Pleas judge. I am unpersuaded.

The Bar Association's assertion is based on a basic error in statistical analysis. The Bar Association took the nominee's bench trial convictions as a percentage of her overall dispositions. It found that, on average for the years 1984 through 1991, her conviction rate was 24%. In contrast, it found the average conviction rate for Philadelphia Court of Common Pleas judges during that period to be only 18%. Under the Bar Association's analysis, Judge Massiah-Jackson seems very tough on criminals. The Bar Association has made a fundamental error, however.

Overall dispositions include guilty pleas, jury trials, bench trials, transfers, decisions not to prosecute and a variety of other things. The category is a real mix. That wouldn't present a problem if all judges had about the same ratio of bench trials to overall dispositions. But they don't. It was therefore an error to calculate bench trial convictions as a percentage of overall dispositions.

The bottom line is that Judge Massiah-Jackson has a high bench trial conviction rate, because she has had a lot of bench trials, not because she is tough on crime. For the same reason, her bench trial acquittal rate is far above average too.

The proper thing to do in Judge Massiah-Jackson's case is to compare bench trials to bench trials. A disposition as a result of a bench trial, where no jury was involved, is likely a more accurate measure of an individual judge's leniency. When you do that, the picture completely changes. During the relevant period, 64.6% of Judge Massiah-Jackson's bench trials resulted in convictions, while 70.1% of Philadelphia Court of Common Pleas bench trials did so. In other words, the average Philadelphia Court of Common Pleas judge convicts more often and acquits less often than Judge Massiah-Jackson. If you look at bench trials only, you'll see that her acquittal rate is really 18.4% higher than the average acquittal rate for the Philadelphia Court of Common Pleas. Her conviction rate is correspondingly lower.

As a consequence, when scrutinized carefully, the statistics show that Judge Massiah-Jackson is less inclined than other judges on her court to convict after a bench trial and more inclined to acquit. In reality, then, the nominee is significantly more lenient than other Philadelphia judges in her treatment of criminal defendants.

Regardless of the statistical claims that are made, I think it is important to note the bi-partisan opposition that the nominee has engendered among law enforcement personnel. I think the people who work in the trenches—the prosecutors and the police officers—have a better handle on this than we can ever hope to have.

In particular, a few cases serve well to illustrate this point. I certainly do not have time to cover all the cases in which the nominee is alleged to have been lenient in sentencing, but I would like to offer a few examples that I think illuminate her overall record.

At the outset, I would note the frustrations of using individual cases to characterize a nominee's record. It is always difficult to accurately consider a nominee's overall fitness for office when we are forced to rely on individual cases. Nevertheless, when a nominee has been a judge for as long as this nominee has, decided cases are important indicators of how the nominee is likely to perform on the federal bench. After a fairly exhaustive review of this nominee's record when she sat on the criminal bench, I do not believe that the case sampling we have analyzed distorts her record. In fact, the 50 troublesome cases originally identified by the District Attorneys' Association occurred during a one year period in which the nominee rendered only some 200 verdicts. Similarly, in a two-year period wherein the nominee heard a total of 66 aggravated assault bench trials, it was discovered that she convicted as charged only 15 times. She acquitted in 37 cases and found the defendant not guilty of the more serious charge in 14 cases. Thus, I think the several cases I will highlight today serve to represent the nominee's

overall leniency towards criminals and her animosity towards law enforcement.

In *Commonwealth v. Johnson*, for example, the defendant brutally raped a ten year old girl. Following a jury trial, the defendant was convicted of rape. Because the victim was only ten years old, a mandatory minimum sentence of five years applied. The nominee, however, had the discretion to impose a minimum term of ten years. The prosecutor, planning to argue in favor of a higher sentence, asked Judge Massiah-Jackson to order a presentence report and victim impact statement. The nominee refused, however, stating "What would be the point of that?" [Tr. 631-32]. She subsequently sentenced the defendant to the mandatory minimum—only five to ten years for raping a ten year old girl. The nominee stated on the record that she would not have imposed the sentence if it were not mandatory "because I just don't think the five to ten years is appropriate in this case even assuming you were found guilty." [Tr. 9]. Perhaps the saddest part of this story is that it did not end with Judge Massiah-Jackson's exceptionally lenient sentence. Unfortunately, this defendant was arrested only last year for allegedly raping a nine year old boy.

Similarly, in *Commonwealth v. Freeman*, the nominee again demonstrated inappropriate leniency in sentencing. In that case, the defendant shot and wounded the victim in the chest, allegedly because the victim had laughed at him. Incredibly, the nominee convicted the defendant of a misdemeanor instead of felony aggravated assault. She sentenced the defendant to only two to twenty-three months' imprisonment and then immediately paroled him so that he did not have to serve prison time. The felony charge would have had a mandatory five to ten year prison term. Judge Massiah-Jackson explained her decision stating that "the victim had been drinking before being shot and that [the defendant] had not been involved in any other crime since the incident." How the unarmed victim's drunkenness could have possibly mitigated the defendant's sentence is beyond me.

Finally, I would like briefly to address the nominee's alleged bias against the state, and how that particularly affects crime victims. In *Commonwealth v. Hicks* [549 A. 2d 1339 (Pa. Sup. Ct. 1987)], for example, the defendant was charged with robbery, theft, and aggravated assault, among other things. At trial, the defense motioned for a continuance because one of its witnesses, a police officer, was not present. Defense counsel had asked the DA two days prior to subpoena the officer as a favor. The DA subpoenaed the officer, but he did not receive it. Judge Massiah-Jackson did not believe that the DA had subpoenaed the officer. She then recharacterized the officer as a State witness and demanded the State drop the case. When the State refused to do so, explaining that it was prepared to go to trial and that the officer was not its witness, Judge Massiah-Jackson dismissed the case purportedly because the State failed to subpoena a defense witness. She then inaccurately entered in the court record that the state was not ready to go to trial. The appeals court reversed the decision stating it was "unable to determine the basis for the trial court's decision," and that the trial court "was unable to justify its decision by citation to rule or law."

Her animus against police officers is similarly evident in *Commonwealth v. Nesmith*, [Opinion No. 2954 (June 26, 1995), *aff'd*, (Pa. Super. Ct. 1996)], where the defendant, while speeding in his car, hit a woman, stopped to observe that she was lying injured in the street, and then left the scene.

As the defendant fled the scene, one of the victim's relatives chased after him. After driving several blocks, the defendant stopped his car and attempted to flee on foot when the victim's relative confronted him. As the two men began to fight, the defendant's relatives jumped in the fight and beat the victim's relative unmercifully with fists and bottles. The victim's relative, whose head was split open, was taken to the hospital for his injuries.

The hit and run occurred shortly after the defendant had been released from prison on parole for an unrelated assault. In that case, the victim sustained severe injuries, including broken legs, back and pelvis. After a bench trial, Judge Massiah-Jackson convicted the defendant of aggravated assault, simple assault, reckless endangerment, criminal conspiracy, and leaving the scene of an accident. She advised the defendant that if he paid \$3700 in restitution to the victims, the Court would find the restitution a "mitigating factor" at sentencing, even though the sentencing guidelines called for "a lengthy period of incarceration." (R. at 139-140a). The State objected to any leniency at sentencing, but Judge Massiah-Jackson, all but ignoring the victim's injuries, responded, "The only behavior here is this is a traffic accident case." (R. at 143a).

Despite the fact that the defendant had numerous prior convictions, including 8 adult convictions, and that the recommended guideline sentencing range was 38-54 months, the nominee sentenced the defendant to only two years probation for the aggravated assault. In justifying her excessive departure from the guideline range, the nominee cited the defendant's cooperation in making restitution over a three year period and the fact that the defendant was not a danger to the public. She claimed that the defendant's actions were "not really criminal. He had merely been involved in a car accident." She further opined that the defendant's prior arrests might have been due to police officers like Officer Houck [Huck] who unlawfully stopped the defendant. (R. at 216-220a).

It took the defendant three years to pay the restitution amount of \$3,700. During this period, the defendant alleged to the Court that the arresting officer in his case, Officer Houck, had been "harassing" him and had stopped him on several occasions. Judge Massiah-Jackson was extremely concerned and asked if there was anything she could do for the defendant. She even offered to "write a letter to the commander of the 39th District." (R. at 161a). In contrast, the DA had no knowledge of any harassment and reminded the judge that she had not even heard from the police officer. Judge Massiah-Jackson asked the DA to speak with the officer to find out what had happened.

Without corroborating the allegations, the judge then directed her attention back to the convicted defendant, again expressing concern for his plight and distrust for law enforcement saying the following: "It won't be Houck next time, it will be someone else and they'll say, 'Oh, I didn't know anything about it.' And we'll find you on the streets somewhere and that's what will happen. That's what will happen." (R. at 162a). Judge Massiah-Jackson told the defendant he did not have to explain anything to her because she knew "what's going on" and understood it "very well." (R. at 166a).

At the next court appearance, the DA subpoenaed Officer Houck to explain the so-

called harassing incidents to the Court. The officer explained that he had indeed stopped the defendant because the defendant was driving recklessly without a license. (R. at 174a). But the nominee refused to believe the officer. Judge Massiah-Jackson instead found the defendant's uncorroborated story to be credible, and warned Officer Houck that: "[i]f any harm comes to Mr. Nesmith or his family or his friends, then the commissioner will be sent a copy of this transcript and I'll volunteer to be a fact witness against you." (R. at 187a) (Emphasis added).

This statement is outrageous. The nominee appears to be suggesting that the officer might at some point harm the defendant or his family. Judge Massiah-Jackson then admonished the DA stating the DA would be an "accomplice in whatever may or may not happen to Mr. Nesmith" because the DA had subpoenaed Officer Houck. When the DA reminded the Court that she subpoenaed Officer Houck only because the Court had asked her to do so, Judge Massiah-Jackson said nothing.

At her second hearing, the nominee inexplicably said she volunteered to be a "fact witness" for the defendant because she could not be a character witness. She failed to explain her refusal to credit the officer's account over that of an oft-convicted defendant.

Finally, in a case that demonstrates troubling disregard for a crime victim, as well as the State, in *Commonwealth v. Lafferty*, Nos. 3883-3888 (Feb. Term 1988), the nominee was notified prior to trial that the defendant and victim in a rape case may have had AIDS. Judge Massiah-Jackson responded "Why are we having a trial? We are talking about life expectancy of three years for both of them. What difference? What kind of punishment can we give [the defendant]? * * * What's the purpose of the trial long range?" (R. 3-4). When the State suggested that it may as well tell everyone who is HIV positive that they can do whatever they want because they will not be prosecuted, Judge Massiah-Jackson responded, "It's just a thought."

Based on the Court's extended diatribe on why AIDS defendants cost the State too much money, the State motioned for the judge to recuse herself. (R. at 13). Judge Massiah-Jackson denied the motion stating the DA had not articulated any specific reason warranting recusal and initially denied that the State had a right to appeal the recusal. (R. at 16). Although the prosecution pleaded with the court to allow it to try the case before another judge that same day to avoid the lengthy delay of an appeal, Judge Massiah-Jackson refused to allow another judge to hear the case and forced the State to appeal her denial of recusal. (R. at 34). She then reduced the defendant's bail to assure his immediate release pending appeal.

The victim died while the appeal was pending. The appeal was withdrawn and it went to trial before Judge Massiah-Jackson. Despite the Commonwealth's evidence which include:

- (1) the deceased victim's prior testimony that the defendant had broken into her house, awakened her, raped her, and beat her when she tried to escape;
- (2) the victim's taped 911 call to police reporting the rape;
- (3) police photographs of the victim's injuries after the rape; and
- (4) the emergency room medical report.

Judge Massiah-Jackson found the defendant not guilty of rape, not guilty of involuntary deviate sexual intercourse, and not guilty of aggravated assault. She convicted him only of simple assault and sentenced him to 1 year probation. Although the victim is no longer with us, the defendant is still alive today.

Conclusion: I believe these cases represent a troubling pattern of undue leniency towards criminal defendants and hostility towards the state. The Pennsylvania District Attorney's Association presented the Committee with over 70 separate cases detailing the nominee's troubling record. In a submission to the Judiciary Committee, the Pennsylvania Bar Association noted that the nominee presided over "confused and tragic cases." Indeed, it was pointed out during our Committee hearings that North Philadelphia, where the nominee sits, is, sadly, plagued by crime, drugs, and the terrible human toll those tragic social ills take. Yet it is those citizens laboring in the shadow of rampant crime who would benefit most when our laws are applied and criminal conduct is appropriately dealt with.

I am disappointed to say that information that has emerged since the Judiciary Committee held its initial hearing on this nominee strongly suggests to me that she was somewhat less than candid with the Committee, is lenient in sentencing convicted offenders, and has demonstrated a certain degree of unfairness with respect to the police officers and prosecutors. Indeed, since the Committee's vote, it has been virtually deluged with letters from prosecutors and law enforcement agencies in Pennsylvania that document a disturbing pattern of open hostility toward the law enforcement community. These condemnations have been bipartisan and overwhelming. In fact, I have never seen such widespread opposition to a nominee from the law enforcement community.

To date we have received letters from the Attorney General of Pennsylvania, the Philadelphia and the National Fraternal Orders of Police, the National Association of Police Organizations, the Law Enforcement Alliance of America, the Pennsylvania District Attorneys Association, and letters by numerous District Attorneys around the state including one from Lynn Abraham, District Attorney for Philadelphia. Each of these letters expresses opposition to this nominee's appointment because of her record of hostility to prosecutors, law enforcement and victims of crime. The Fraternal Order of Police, in an open letter to President Clinton and the Judiciary Committee declared that: "Judge Massiah-Jackson consistently parades her anti-police bias by using her power and authority as a judge to belittle, harass, and threaten law enforcement officers who appear in her court. Her contempt for prosecutors appearing before her is so rancorous that a broad grassroots effort has been led by members of her own political party to oppose her elevation to the federal judiciary." I cannot turn a blind eye to such allegations.

Some of the nominee's supporters have asserted that law enforcement has attempted to distort her record. But it seems to me that the most expedient path here was for law enforcement to speak out in support of the nominee. They are the ones who will have to continue to appear before Judge Massiah-Jackson if her nomination is defeated. Thus, they have a great deal to lose in this process. Recognizing the political risks law enforcement had to take to oppose this nominee, I commend them for their willingness to come forward and do what they believed to be the right thing.

While her candidacy was in Committee, I resolved my serious misgivings about Judge Massiah-Jackson's nomination in her favor. My decision in Committee, however, was based largely on the representations made by the nominee, both in answer to the written questions and at her initial hearing. In my opinion, these recent developments call the nominee's statements before the Committee into serious question and oblige me to change my vote. After having heard the

nominee's testimony last week and having reviewed and considered the information that has been provided to the Committee by law enforcement officials about her conduct on the bench, her alleged bias against law enforcement, her flawed judicial rulings, and, above all, her apparent lack of candor with the Committee, I cannot in good conscience continue to give her the benefit of the doubt. I have the highest personal regard for Senator SPECTER, who has ably promoted her candidacy, but I now do not believe that Judge Massiah-Jackson should be confirmed to a position on the federal bench. I take no pleasure in voting against this nominee. She has obviously accomplished much in her life. Nevertheless, the Constitution obligates me to evaluate this nominee with an eye toward determining whether she will uphold the Constitution and whether she will abide by the judicial oath to "administer justice without respect to persons . . . And impartially discharge all the duties incumbent [upon a federal judge]." I am not now convinced that she can abide by that oath and thus I feel obligated to cast my vote against her.

Mr. HATCH. I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, I thank the distinguished Senator from Utah, the chairman of the Senate Judiciary Committee, for his leadership in this matter and in so many other matters. He is an outstanding legal scholar, an outstanding lawyer, a man of integrity, ability, and fairness who works extraordinarily hard to make sure everyone who comes before the committee has a thorough opportunity to express themselves and to defend themselves, and that others who have information to share are allowed to do so.

I think it was an extraordinary event that he allowed a second hearing to be held for the Massiah-Jackson nomination. That was a very fair thing to do. I agree with the distinguished chairman that it is a good idea and a good thing that this nomination has been withdrawn.

Ms. Frederica Massiah-Jackson has a number of problems with her nomination. I would just like to make a few points about the process and about her nomination.

District Attorney Lynne Abraham, a Democrat in Philadelphia, who has served a number of years, and has also served on the judicial bench in Pennsylvania with Judge Massiah-Jackson, wrote us a letter saying that she had not opposed or commented on nominees of any kind before, but she wrote a letter stating she felt that she should do so on this occasion.

Among other things, she said:

This nominee's judicial service is replete with instances of demonstrated leniency toward criminals, an adversarial attitude toward police and disrespect toward prosecutors unmatched by any other present or former jurist with whom I am familiar.

That was a letter written reluctantly and in sadness, but a letter I think she felt she had to share with us. Her opinion was shared by the District Attorneys Association in Pennsylvania, the Fraternal Order of Police, and the National Fraternal Order of Police.

We were also presented a list of 50 cases in which we were given detailed statements of sentences and judicial rulings by this judge, prepared by district attorneys who had no obligation to do that but did so because they were concerned about it. Those cases have been around here for well over a month and have never really been effectively rebutted. So I think to say the newly uncovered twenty cases were somehow critical in this matter is not really accurate. I think the new cases were additional troublesome matters, but the whole list of cases previously submitted were quite troubling also.

Just briefly, Madam President, while I am relieved that this nomination has been withdrawn, I think it shows fully why the Senate should carefully and thoroughly examine judicial nominees. Specifically, I thank Senator JOHN ASHCROFT, who is here today, and Senator STROM THURMOND for placing a temporary hold on this nomination after it was voted out of the Judiciary Committee by a 12-to-6 vote last fall.

At that time, this nomination was moving toward confirmation last fall. It is a classic example of why the Judiciary Committee and the Senate as a whole should deliberately screen judicial nominees. President Clinton has suggested that the Senate should speed up confirmation of Federal judges. With all due respect, the Massiah-Jackson nomination demonstrates why the Senate should confirm Federal judges at a fair but careful pace.

Judge Massiah-Jackson's nomination was reported out of the Judiciary Committee with approximately a dozen other judicial nominees at the end of last year. There was an effort to confirm these judges quickly before the year ended. Without Senator ASHCROFT's and Senator THURMOND's temporary holds, this nominee would have been confirmed, I have no doubt. If this had happened, it would have been unfortunate, because many of Judge Jackson's unacceptable decisions had not yet been uncovered.

In addition, as of last fall, the above-mentioned law enforcement organizations had not studied this nominee's record in detail. In fact, when Judge Massiah-Jackson's nomination was reported out of committee, none of these groups formally opposed the nomination. In fact, Senator SPECTER held a hearing in Pennsylvania to allow people to state objections. He gave them an opportunity to do so, but none came forth at that time. Without Senator ASHCROFT's and Senator THURMOND's hold, this nominee would have been confirmed, in all probability, before her record had been adequately examined.

A Federal judgeship is a lifetime appointment. The confirmation process is the only chance to review a judicial nominee's qualifications. The confirmation process is literally the point of no return. Unlike State judges, Federal judges cannot be recalled or voted from office. This is why it is so vitally

important for the Senate to carefully fulfill its constitutional duty to advise and consent to the President's nominees. Judge Learned Hand, referring to the lack of control over federal judges, once said, "They can't fired us. They can't even dock our pay."

A Federal judge has extraordinary power. Many of those powers involve decisionmaking authority that is absolutely unreviewable on appeal. For example, if a judge, at the conclusion of a prosecutor's case, dismisses the case and grants a judgment of acquittal to a defendant, that is the same as a jury verdict of acquittal, and the Government cannot appeal. Such directed verdicts simply cannot be appealed. So I think it is important that this process be allowed to work, and it did work. I believe that Judge Massiah-Jackson will have the opportunity as a State judge to demonstrate her abilities and skills there, to continue to serve the people of Pennsylvania.

I was impressed with her demeanor and courtesy and the way she handled herself at her hearing, but I do feel like the just conclusion was reached.

Madam President, that is the conclusion of my remarks. I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. May I inquire as to the state of the proceedings.

The PRESIDING OFFICER. We are in a period for morning business, with statements limited to 10 minutes.

Mr. ASHCROFT. I ask unanimous consent that I be able to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. Thank you.

CRISIS AT THE WHITE HOUSE

Mr. ASHCROFT. Madam President, the events surrounding the President of the United States and the White House of the United States find us in a peculiar and uncomfortable situation. It is, however, more than peculiar, and it is more than disconcerting. It may, in fact, be disabling. The President has sought to defend his conduct and to defend his circumstance by saying it's OK to be able to become compartmentalized or to segment his personal life from his public life. At least this is the spin which comes from the White House. I perhaps should not say that that comes from the President's own mouth.

I think the Congress has sort of bought into the compartmentalization of this crisis at the White House. We discuss it on the talk shows, we discuss it in the cloakrooms, but we don't discuss it on the Senate floor.

The new allegations against President Clinton are grave. They carry serious implications, not just for the President but for the Nation as a whole, and it is time for us to consider them in the U.S. Senate.

Kathleen Willey is a longtime friend of the President. She was a strong Clinton supporter. She was his employee in